

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) An audio output control apparatus in a mobile terminal having an MP3 player for reproducing MP3-formatted audio data into an audio signal, comprising:  
an ear jack for transferring the audio signal output from the MP3 player to one of an earphone and an external speaker, connected thereto, and generating one of a first high and ~~second~~ low level voltage for indicating whether a connected audio output device is the earphone or the external speaker, respectively; and  
a controller for determining the audio output device connected to the ear jack depending on the high or low level ~~first and second~~ voltage and controlling an audio gain of the MP3 player according to the determined result.
2. (Previously Presented) The audio output control apparatus as claimed in claim 1, wherein the ear jack has at least two nodes for sensing connection to either the earphone or the external speaker.
3. (Original) The audio output control apparatus as claimed in claim 2, wherein the controller increases the audio gain when the external speaker is connected to the ear jack, and the controller decreases the audio gain when the earphone is connected to the ear jack.
4. (Previously Presented) The audio output control apparatus as claimed in claim 2, wherein the earphone includes a first ear jack connector connected to the ear jack for generating the first voltage, and the external speaker includes a second ear jack connector connected to the ear jack for generating the second voltage.
5. (Currently amended) A method for controlling an audio gain of an MP3 player in a mobile terminal having the MP3 player for reproducing MP3-formatted audio data into an

audio signal, the mobile terminal including an ear jack, comprising the steps of:

connecting an audio output device to the ear jack during an operation of the MP3 player;  
generating, at the ear jack, one of a ~~first~~high voltage and a ~~second~~low level voltage for  
indicating whether the audio output device is an earphone or an external speaker, respectively;  
and

controlling the audio gain of the MP3 player according to the generated ~~first voltage and~~  
~~second~~high or low level voltage.

6. (Previously Presented) The method as claimed in claim 5, wherein the controlling step comprises the steps of:

increasing the audio gain when the external speaker is connected to the ear jack; and  
decreasing the audio gain when the earphone is connected to the ear jack.